G. R. S. IX-5]

Previous references. 1878-79

~~191~~ .

(Courts)

File No. 12.

Serial Nos. 1

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Part B for

SUBJECT.

Proposal for relieving Munsifs from Civil Cases & appointment of Mun. Offs

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(Incomplete)

Guidance of W.O.

W D 68—GPE—50,000—24-7-16

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O. 4535

286.

From The Jud Commissioner of Mysore

To

Secretary to Chief Commissioner,
General Department.

Dated 8th January 1879

Despatched 9th "

Received 9th "

Enclosures No.

General No. 3397 } 1878—79.
No. 315 }

Suggests the desirability to direct the Amildars and other Revenue officers no longer to exercise the jurisdiction which they have hitherto exercised under the Chief Commr's Revenue Circular No. 522/3 8/8th June 1864

The question of Revenue Courts of Appeal & Reference & "Revenue Cases" has been frequently under consideration & the Govt have called upon the Mysore Commissioner for information & calling upon him to procure. Are there any papers in the Despatches on the subject?

H/1

Please see correspondence ending with C.S. pro No 6958 of 21st March 1874. R 63 1/4

To Chron 9/2 1879.

No 3397
315

Mysore Judicial Commissioners Office
Bangalore 8th January 1879.

From J. D. Sandford Esquire
Judicial Commissioner
of Mysore.

To The Secretary to the
Chief Commissioner
of Mysore

Sir,

With reference to the Circular No 522 / Revs: 3 dated 8th June 1871, prescribing the procedure to be followed in the disposal of Revenue Suits, I have the honor to suggest, for the consideration of the Chief Commissioner, whether the time has not arrived when it might be desirable to direct the Amildars and other Revenue Officers, no longer to exercise the jurisdiction which they have hitherto exercised under these Rules.

2. Under Section 11, Code of Civil Procedure, the Civil Courts have jurisdiction to try all suits of a civil nature, excepting suits of which their cognizance is barred by any

enactment for the time being in force.

3. It does not appear that the Circular purports to bar the Cognizance of the Civil Courts, and moreover it would probably not be held that the Circular is of the nature of an Enactment.

4. It does not bear upon it the authority of the Government of India, and I imagine that the Chief Commissioner, if he saw fit so to do, could direct the Officers of the Revenue Department to abstain from trying the cases falling within the provisions of the Circular

5. There does not seem to be any advantage in giving concurrent Jurisdiction to both Classes of Courts, and I believe that the Civil Courts have ample time for disposing of all the cases now tried by the Amildars, and that the

procedure and decisions of these Courts are more likely to give satisfaction to the people than the procedure and decisions of the Amildars, whose time is occupied by executive business, and who are hardly in a position to give that patient and deliberate hearing to the suits brought before them, which the nature of the cases requires.

I have the honor to be
Sir
Your most Obed. Servant

W Sandeman
Judicial Commissioner

J.P